

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MORGANNE MILES, by her mother KRYSTAL TITUS,
et al.,

Plaintiffs,

08 Civ. 432 (PAC)

ECF CASE

- against -

MICHAEL O. LEAVITT, as Secretary of the United
States Department of Health and Human Services,

Defendant.

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DECLARATION OF KRYSTAL MILES

KRYSTAL MILES declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the mother of Morganne Miles, age 4, and Olivia Miles, age 1. I respectfully submit this declaration in support of this action.
2. I live with my husband, Cory Miles, and my daughters, Morganne and Olivia Miles, at 2646 Main Street, Gorham, New York 14461.
3. My family and I are being injured because without the expansion in eligibility for the Child Health Plus program in New York, our family is suffering financial and emotional hardship.
4. I work full time as an operator on the manufacturing line at Pactiv Corporation, a factory that makes paper products. Cory works full time as a stone fabricator for MCM Natural Stone. We both work overtime whenever it is available because we are not earning enough to

make ends meet.

5. In 2007, our family's net annual income was \$50,085.00 (Cory made \$29,217.00 and Krystal made \$20,868.00). Our net income so far for 2008 is \$6,305.80 (Cory's YTD is \$3,763.80 and Krystal's YTD is \$2,542.00).

6. Our monthly income varies somewhat depending on whether either of us can get some overtime. Without overtime our family's net monthly income is \$3,122.08 (Cory makes 503.80 per week and Krystal makes \$554.64 bi-monthly). We have been shopping for clothes and shoes at the Salvation Army and cutting back on some basic necessities like groceries in order to try to make ends meet. Our cable, internet and home telephone have all been disconnected at various times because we cannot afford to pay for them.

7. Our regular monthly expenses are as follows:

EXPENSE	MONTHLY AM'T
Rent	\$600.00
Health and Dental Expenses	\$316.44
Child Care	\$200.00
Car Payment	\$215.00
Car Insurance	\$177.00
Heat and Electric	\$220.00
Telephone	\$150.00
Child Support	\$286.52
Gasoline	\$320.00
Car Maintenance	\$30.00

Clothes and Shoes	\$100.00
Groceries	\$300.00
TOTAL	\$2,914.96

8. We also have financial debt that is putting great strain and pressure on our family. We would like to begin paying off our debts but we have not been able to afford to yet. Our debt is as follows:

DEBT	TOTAL AM'T OWED
Credit Card (Cory)	\$1,500.00
NYS Electric & Gas	\$1,800.00
Hospital ER Debt	\$400.00
Unemployment Overpayment (Cory)	\$687.50
TOTAL	\$4,687.50

9. From June of 2004 to December of 2007 I worked as a manager at a Wendy's restaurant. Our daughter Morganne was insured under my health insurance policy at Wendy's until January of 2007, when I was forced to take her off of the insurance policy because we could not afford the premium.

10. Our daughter Olivia was enrolled in Medicaid when she was born. Her Medicaid coverage ended December 1, 2007. At that point she became uninsured because we could not afford to add her to my health insurance policy at Wendy's.

11. In August of 2007 I went to the F.F. Thompson Health Center to enroll Morganne

under the new expanded Child Health Plus B (CHPlus B) program. At that time Olivia was still covered under Medicaid. I anticipated that we would be able to buy insurance for Morganne for a monthly premium of \$20.00. When I went to F.F. Thompson I was told that Morganne did in fact qualify at the \$20.00 premium level. I applied and submitted a \$20 money order to enroll Morganne. I planned to enroll Olivia in CHPlus B when her coverage under Medicaid expired upon her first birthday.

12. In September of 2007 I was informed in writing that we would not in fact be eligible to enroll Morganne at the \$20.00 premium level and that we would need to pay the full premium of \$196 per month in order for Morganne to have health insurance. Paying these new premiums at the enhanced level would have placed unbearable financial pressure and strain on our family.

13. In December of 2007 I left my job at Wendy's to take a job at the Pactiv Corporation because we desperately needed health insurance coverage for our daughters. I am working the 4:00pm to midnight shift at Pactiv which means that I am not home for dinnertime and bedtime with my girls. Cory works during the day so I hardly ever see him either which puts great emotional strain on our marriage and in turn our family. I know that I am missing out on valuable time with my daughters and my husband but I feel as though I had no choice other than to take this job.

14. Cory was uninsured for 6 years, since the time he left his last job as a machine operator at Pactiv, because his current employer does not offer health insurance. He began receiving health insurance under my employer's health insurance policy after we were married, in February of 2008.

15. Although I have been able to get insurance for my family through my current

employer, it is very expensive and the money that comes out of my paycheck for the premiums is money that we need for groceries and other basic necessities. To cover my family I am paying \$256.92 per month for health insurance, \$12.14 per month for dental insurance and \$27.38 per month for vision insurance. This is putting great financial strain on our family.

16. Not having health insurance for our children caused me a lot of emotional stress. Both of my daughters are developing so quickly. Cory and I know that it is important to bring them to the doctor for regular check-ups to make sure that they are developing properly. Morganne's doctor thinks that she may have eczema and he would like her to see a dermatologist. Olivia will need her 18-month vaccinations in May. Without regular check-ups, we worried that we might miss an important vaccination or some condition or problem that needed treatment and therefore do our daughters lasting harm.

17. We also knew that we needed to get health insurance coverage for our daughters despite the financial and emotional strain on our family because our daughters will have medical needs. We already know that Olivia has a baby hernia. The doctor told us that she may need to have surgery if it does not get better.

18. We also knew that we needed to have health insurance for our daughters in case of an emergency. We were terrified that an emergency would arise for either Olivia or Morganne, and they wouldn't get all the services they need because they were uninsured. We already have medical debt for treatment Cory received when he had to go to the emergency room because of an ear infection when he was uninsured. We worried that we would face new, impossible levels of medical debt for any emergency care that a hospital does provide.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 2008.

s/Krystal Miles

KRYSTAL MILES